



THE CITY OF NEW YORK
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January 19, 2017

Via ECF

Hon. Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square, Room 2203
New York, New York 10007

Re: DeCastro, et al. v. The City of New York, et al. 16 CV 03850 (RA)

Dear Judge Abrams:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for the Defendants in the above-entitled action. I write to advise the Court of Defendants' concerns regarding a specific representation contained in the Reply Declaration of Daniel L. Ackman filed in support of Plaintiffs' Motion for Attorney Fees on January 6, 2017.

In his reply declaration, plaintiffs' counsel Daniel Ackman references the case of Rothenberg v. Daus, a case involving the Taxi & Limousine Commission that he is currently litigating with the New York City Law Department, and states that "Rothenberg is now in settlement discussions, which are nearly complete and which contemplate substantial damages." Ackman Reply Dec., ¶ 3.¹ First, defendants submit that it is not appropriate for Mr. Ackman to report of pending, confidential settlement negotiations in another case to this Court. Second, I wish to confirm for the Court that at the present time there has been no settlement in the Rothenberg case, and further, that Rothenberg has not been certified as a class action.

¹ This claim is reiterated in Plaintiffs' Reply Memorandum of Law in Further Support of Plaintiffs' Motion for Attorneys' Fees. Plaintiffs' Reply Memo. at 8, fn. 5.

We request that the Court consider this information when evaluating plaintiffs' motion for attorney fees.

Respectfully submitted,

/s/

Karen B. Selvin (KS-3816)
Assistant Corporation Counsel

Via ECF

cc: Daniel Ackman, Esq.
Andrew St. Laurent, Esq.
Attorneys for Plaintiffs